

IN RE: PETITIONS FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING & VARIANCE - * DEPUTY ZONING COMMISSIONER
NW/S Washington Boulevard, *
Corner SW/S Sulphur Spring Road * OF BALTIMORE COUNTY
(3920 Washington Boulevard) *
13th Election District * Case No. 88-291-XSPA
1st Councilmanic District *
Exxon Company, USA - *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a food store "use in combination" with an existing "gas and go" automotive service station; a special hearing to approve an amendment to the previous special exception granted in Case No. 72-94-RXA; and a variance to permit a total of five (5) business signs with a total area of 402.80 sq.ft. in lieu of the maximum permitted three (3) signs with a total area of 100 sq.ft., all as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by Charles Vaughn, Construction and Maintenance Engineer with Exxon Company, USA, appeared, testified and was represented by Counsel. Also appearing on behalf of the Petition was Anthony J. Cortez, with STV/Lyon Associates. There were no Protestants.

Testimony indicated that the subject property, zoned B.R.-C.S.1, is located at the intersection of Washington Boulevard and Sulphur Spring Road and is the site of an Exxon Service Station. In 1972 a special exception for an automotive service station was granted for the subject property in Case No. 72-94-RXA. The Petitioner now proposes adding a convenience store. Testimony indicated that the facility contains no service bays but is used currently as a "gas and go" station.

Mr. Cortez testified that Petitioner's Exhibit 1 complies with all the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.) with regard to service stations. He testified that, in his opinion, the conditions delineated

Exxon Company, USA
88-291-XSPA
NW/S Washington Blvd.
Sulphur Spring Road
3920 Washington Blvd.
BALTIMORE, MD 21207-2722
301-944-9112

ated in Section 502.1 of the B.C.Z.R. are satisfied. The site plan provides adequate parking and stacking space for the proposed use. The Petitioner testified that landscaping will comply with the Baltimore County Landscaping Manual and be at a minimum to the extent set forth in Petitioner's Exhibit 2.

Testimony indicated that Exxon is requesting the sign variance as they are in the process of changing their signs nationwide to modernize them and insure uniformity across the country. The spreader bars are to identify Exxon at the gasoline pumps and are part of the modernization of the station. Mr. Vaughn testified that they propose installing four spreader bars of 19.76 +/- sq.ft. at the pumps and a sign of 122.36 +/- sq.ft. (each side) to identify "Exxon", the "Shop" and self-service cash prices of unleaded, plus and supreme gas. He indicated the posting of prices is required by State law. He further indicated that due to the location of the subject property, it is his opinion that the proposed signs as shown in Petitioner's Exhibit 1 are of an appropriate size. Mr. Vaughn and Mr. Cortez testified that they did not believe a smaller sign would provide adequate opportunity for vehicular traffic to locate the site in time to permit them to safely enter the station. Mr. Cortez testified that he believed a variance was necessary due to the fact that the station is located off of a major intersection which is heavily traveled. Testimony indicated that the signage as proposed is less than the presently existing 534.36 +/- sq.ft.

The Petitioner seeks relief from Section 409, 408 pursuant to Section 502.1, and from Section 413.1F pursuant to Section 307 of the B.C.Z.R.

It is clear that the B.C.Z.R. permit the use requested by the Petitioner in a B.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

STV/LYON ASSOCIATES

ENGINEERS ARCHITECTS PLANNERS
2120 W. WASHINGTON BLVD.
BALTIMORE, MD 21207-2722
301-944-9112

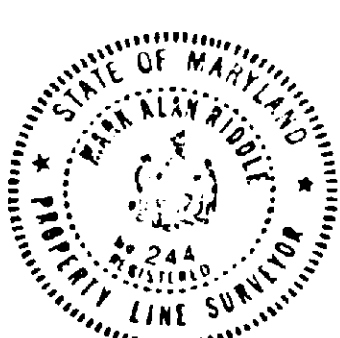
ZONING DESCRIPTION

NO. 3920 WASHINGTON BOULEVARD AT SULPHUR SPRING ROAD
13TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND.

BEGINNING FOR THE SAME at a point along the northwesterly right-of-way line of Washington Boulevard (U.S. Route 1), said point of beginning situated 102.00 feet northwesterly at right angles from Washington Boulevard baseline of right-of-way Station 11+22, as shown on plat to accompany petitions, thence running with and binding on said northwesterly right-of-way line of Washington Boulevard,

1. South 45°32'50" West 148.14 feet to a point, thence leaving said Washington Boulevard and running,
2. North 40°24'04" West 200.39 feet to a point, thence,
3. North 45°36'55" East 162.50 feet to intersect the southwesterly right-of-way line of Sulphur Spring Road, thence running with and binding on same,
4. South 43°47'43" East 170.61 feet, thence along a site flare,
5. South 02°03'43" East 39.40 feet to the point of beginning ... containing 33,271 square feet or 0.7638 acre of land, more or less.

Mark A. Riddle
STV/LYON ASSOCIATES
Mark A. Riddle
MD Reg. Property Line Surveyor No. 244



STV ENGINEERS Engineers Architects Planners Planners STV and STV Associates
1275 Massachusetts Avenue, Suite 200, Cambridge, MA 02140
STV ENGINEERS and STV ASSOCIATES are STV ENGINEERS and STV ASSOCIATES in the State of Maryland

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibits 1 and 2 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the petitioner and his property. Wiegman v. Soley, 270 Md. 209 (1973).

It is clear from the testimony that if the variances were granted, in part, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if a portion of the variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel.

In addition, the variance requested will not be detrimental to the public health, safety, and general welfare. However, in the opinion of the Deputy Zoning Commissioner, an identification sign of 122.36 +/- sq.ft. as proposed by the Petitioner is greater than necessary and one of Exxon's smaller "Major ID Signs" would be adequate for the site. Further, the evidence presented failed to prove that practical difficulty or unreasonable hardship would result if the requested number of spreader bar signs were not permitted.

Pursuant to the advertisement, posting of the property, and public hearing on these petitions held, and for the reasons given above, the relief requested in the special exception and special hearing should be approved and the variances requested should be granted in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of March, 1988 that a food store "use in combination" with an existing "gas and go" automotive service station and an amendment to the previous special exception granted in Case No. 72-94-RXA, be approved, and further, that a variance to permit one identification sign and pole similar to Petitioner's proposed "Major ID Sign No. 6" as shown on Petitioner's Exhibit 1, totalling 94.26 +/- sq.ft. (each side), and two spreader bar signs (in lieu of the requested four) similar to those proposed by the Petitioner identified as "Sign No. 7" on Petitioner's Exhibit 1, consisting of 19.76 sq.ft. (each side), be permitted, and as such, the petitions for Special Exception, Special Hearing and Zoning Variance be and are hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for the sign permits and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate review from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13.14 Date of Posting: 1-14-88
Posted for: Robert Haines, Esq., 614 Boyley Avenue, Towson, Maryland 21204
Petitioner: Exxon Company, U.S.A.
Location of property: NW/4th of Washington Blvd. at Sulphur Spring Road (13th Election District)
Location of Signs: NW/4th of Washington Blvd. at Sulphur Spring Road
Remarks:
Posted by: Robert Haines, Esq. Date of return: 1-15-88
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD, Jan. 14, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md, appearing on Jan. 14, 1988.

THE JEFFERSONIAN,

Publisher

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
484-3333

J. Robert Haines
Zoning Commissioner

F. Vernon Booser, Esq.,
614 Boyley Avenue
Towson, Maryland 21204
Re: Case number: 88-291-XSPA
NW/S Washington Blvd., Corner SW/S Sulphur Spring Road
(3920 Washington Boulevard)
Exxon Company, U.S.A. - Petitioner

Dear Mr. Booser:

Please be advised that \$100.00 is due for advertising and posting of the above-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED TO THE ZONING DEPARTMENT OF BALTIMORE COUNTY, MARYLAND.

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

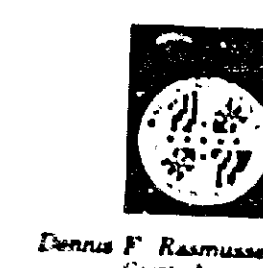
No. 47549

DATE: ACCOUNT: AMOUNT: \$

RECEIVED FROM: Andrew Oil

FOR: 4/3/88 hearing

VALIDATION OR SIGNATURE OF CASHIER



ROBERT HAINES
Zoning Commissioner of Baltimore County

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Case number: 88-291-XSPHA
NW/S Washington Blvd., Corner SW S Sulphur Spring Road
(3920 Washington Boulevard)
Exxon Company, U.S.A. - Petitioner
DATE/TIME: WEDNESDAY, FEBRUARY 3, 1988 at 2:00 p.m.

Variance to allow a total of five (5) business signs with a total area of 402.80 sq. ft. in lieu of the three (3) signs with a total area of 100 sq. ft. as permitted.
Special Exception & Special Hearing for a Food Store "use in combination" with an existing "gas and go" automobile service station and a Special Hearing to amend the previous Special Exception Case # 72-94RZA.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during "gas and go" automobile service station and a Special Hearing to amend the previous Special Exception Case # 72-94RZA.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 41691

DATE 10/7/87 ACCOUNT 01-615-000

AMOUNT \$ 250.00

RECEIVED FROM F. Vernon Boozer

FOR Spk. Sph. Voz # 134
E. 1st - Wash. Blvd.
B 016 ***** 250000's RECEIPT

ROBERT HAINES
Zoning Commissioner of Baltimore County

VALIDATION OR SIGNATURE OF CARRIER

PETITION FOR SPECIAL EXCEPTION - SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Food Store "use in combination" with an existing "gas and go" automobile service station and a special hearing to amend the previous special exception case # 72-94RZA.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Legal Owner(s):

Exxon Company, U.S.A.

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Attorney's Telephone No.

Address

City and State

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building
Courts Building, Suite 405
Towson, Maryland 21204
444-3354

November 10, 1987



Dennis F. Rasmussen
County Executive

Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Zoning Commissioner:

The Bureau of Traffic Engineering has no comments for items number 130, 131, 132, 133, 134, 135, 136, 137, and 139.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Traffic Engineer Associate II

MSF:sbb

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO: Zoning Commissioner
Norman E. Gerber, AICP
FROM: Director of Planning and Zoning

Date: December 21, 1987

SUBJECT: Zoning Petition Nos. 88-291-XSPHA, 88-298-XSPHA

This office opposes the granting of the requested sign variance, believing that the standards set forth in the Baltimore County Zoning Regulations provide for ample signage.

Norman E. Gerber
Norman E. Gerber, AICP
Director

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

CPS-008

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Zoning Item # 134, Zoning Advisory Committee Meeting of October 20, 1987

Property Owner: Exxon Company, U.S.A.
Location: NW Washington Blvd., corner SW/Sulphur Spring Rd. District 13
Water Supply: native Sewage Disposal: native

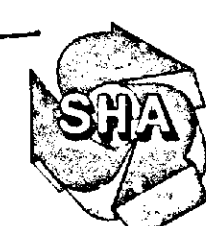
COMMENTS ARE AS FOLLOWS:

- (X) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- () Prior to new installation/s of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 494-3775, to obtain requirements for such installation/s before work begins.
- () A permit to construct from the Bureau of Air Quality Management is required for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- () A permit to construct from the Bureau of Air Quality Management is required for any charbroiler operation which has a total cooking surface area of five (5) square feet or more.
- () Prior to approval of a Building Permit Application for renovations to existing or construction area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- () Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, sauna, whirlpools, hot tubs, water and sewerage facilities of other amusements, pertaining to health and safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Recreational Hygiene Section, Bureau of Regional Community Services, 494-3811.
- () Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- () If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- () Prior to razing of existing structure/s, petitioner must contact the Division of Waste Management at 494-3768, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 494-3775.
- () Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled.
- () Soil percolation tests, have been _____, must be _____, conducted.
 - () The results are valid until _____.
 - () Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- () Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- () In accordance with Section 13-117 of the Baltimore County Code, the water well yield test () shall be valid until _____.
- () If not acceptable and must be tolerated, this must be accomplished prior to conveyance of property and approval of Building Permit Application.
- () Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- () If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted.
- () Others _____

Kaundh Thorey
BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

BUREAU OF WATER QUALITY AND RESOURCE MANAGEMENT

1



Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

October 23, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

RE: Baltimore County
Item #134
Property Owner: Exxon
Company, U.S.A.
Location: NW Washington
Boulevard
Maryland Route 1-S
SW/S Sulphur Spring Road
Existing Zoning: B.R./ -
CS1 Proposed Zoning:
Special Exception for a
food store in
combination with an
existing gas and go and
a Special Hearing to
amend the previous
special exception case #
72-94RKA and a variance
to allow a total of five
business signs with a
total area of 402.80 sq.
feet in lieu of three
signs with a total area
of 100 feet as permitted
Area: 0.7638 acres
District: 13th

RECEIVED
OCT 27 1987

ZONING OFFICE

Dear Mr. Haines:

On review of the submittal of July 13, 1987, for Special Exception (Combination Food Store and Gas and Go), the State Highway Administration Bureau of Engineering Access Permits finds the concept site plan generally acceptable.

All reconstruction within the State Highway Administration right-of-way must be through S.H.A. Permit.

The submittal for variance of a business sign, has been forwarded to the State Highway Administration Beautification Section, c/o Morris Stein (333-1642), for all comments relative to zoning.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
November 10, 1987

If you have any questions, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

LB/es

cc: STV/Lyon Associates

88-291-XSPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this 12th day of November, 1987.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Exxon Company, Inc.
Attorney: F. Vernon Boozler, Esquire

Received by: James S. Dyer
Chairman, Zoning Plans
Advisory Committee



Maryland Department of Transportation State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

November 10, 1987

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204
Att: James Dyer

Re: Baltimore County
Item #134
Property Owner: Exxon
Company, U.S.A.
Location: NW/S
Washington Boulevard
Maryland Route 1-S
SW/S Sulphur Spring
Road
Existing Zoning: B.R./
CS1
Proposed Zoning: Special
Exception for a food
store in combination
with an existing gas and
go and a Special
Hearing to amend the
previous special
exception case #72-94RKA
and a variance to allow a
total of five business
signs with a total area
of 402.80 sq feet in
lieu of three signs with
a total area of 100' as
permitted
Area: 0.7638 acres
District: 13th

RECEIVED
NOV 13 1987
ZONING OFFICE

Dear Mr. Haines:

On review of the submittal of October 26, 1987, the State Highway Administration, Bureau of Engineering Access Permits finds the concept of the plan generally acceptable and has the following comments.

This plan must be revised to show a 20' dimension on the entrances. It is requested that the site plan be revised prior to a hearing date being set.

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Mr. J. Robert Haines
Page 2
October 23, 1987

If you have any questions, please contact George Wittman at 333-1350.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr.
Acting Chief-Bureau of
Engineering Access Permits

GW/es

cc: Morris Stein, w/att.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAULA

RECEIVED
FEB 22 1988
ZONING OFFICE
DEPUTY TO
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301
828-9525

February 18, 1988

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE
NW/S WASHINGTON BOULEVARD,
CORNER SW/S SULPHUR SPRING ROAD
PETITIONER: EXXON COMPANY, U.S.A.
CASE NO.: 88-291-XSPHA

Dear Ms. Nastarowicz:

Pursuant to your advice following the hearing held on the above case on February 3, 1988, namely your comment that you would not approve the total signage as requested in the Variance Petition, the Petitioner, without prejudice to its rights to further pursue the matter, hereby makes the following proposal in an effort to reach a mutually acceptable compromise position with respect to the signs:

Exxon would propose to eliminate the backside of each of the four (4) proposed spreader bar signs, thereby reducing the total request by some 79.04 sq. ft. Unfortunately, the ID sign cannot, as a practical matter, be reduced to any smaller size in light of the topography and general surroundings of the site. Essentially, this proposal would leave only one face of each spreader bar sign showing Exxon in each instance the one which would be facing the street.

In light of the fact that there were no protestants to any of the zoning requests, it is hoped that this compromise proposal will be met with your approval. In the event you still consider the overall request unacceptable, I would appreciate further word from you prior to the rendering of your decision so that possibly the matter can be re-evaluated and maybe an alternative proposal put forward.

Ann M. Nastarowicz
Deputy Zoning Commissioner
February 18, 1988
Page 2

Thank you for your cooperation.

Very truly yours,
Anthony J. DiPaula
Anthony J. DiPaula

AJD/jab

cc: Charles Vaughn
Exxon Company, U.S.A.

Anthony Cortesal
STV/Lyon

Loren Lazear
Exxon Company, U.S.A.

COVAHEY & BOOZER, P. A.
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAULA

DEPUTY TO
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301
828-9525

April 19, 1988

HAND DELIVERY

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
Towson, Maryland 21204

RECEIVED ZONING OFFICE
DATE: 4/19/88

RE: PETITIONS FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE
NW/S WASHINGTON BOULEVARD,
CORNER SW/S SULPHUR SPRING ROAD
PETITIONER: EXXON COMPANY, U.S.A.
CASE NO.: 88-291-XSPHA

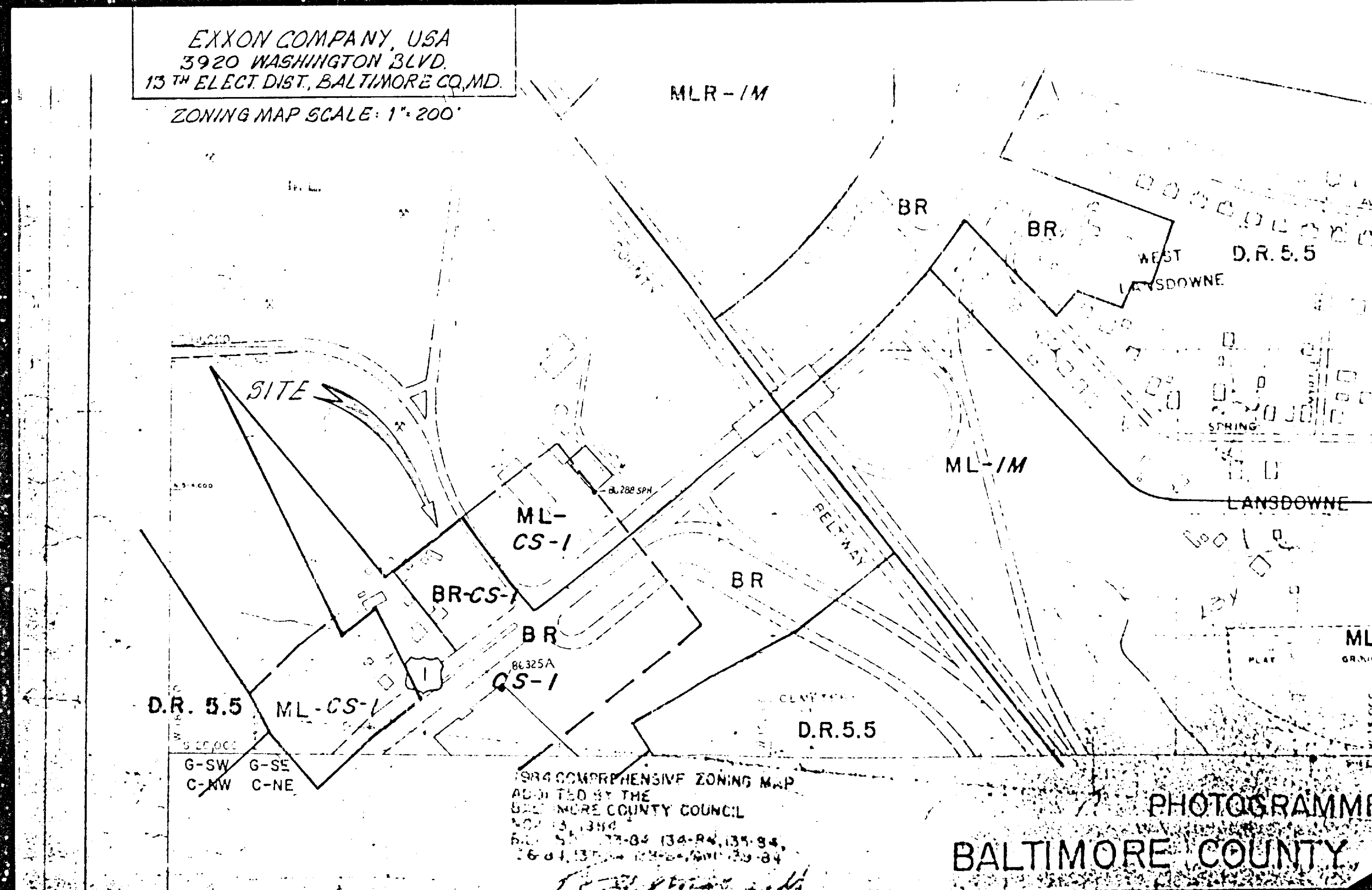
Dear Mrs. Nastarowicz:

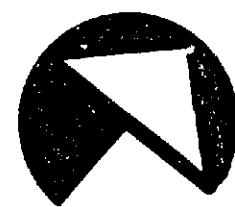
Enclosed please find ten (10) copies of the revised site plan being submitted in connection with the above case and pursuant to your Memorandum Decision and Order of March 23, 1988.

Very truly yours,
Anthony J. DiPaula
Anthony J. DiPaula

AJD/jab

enclosures



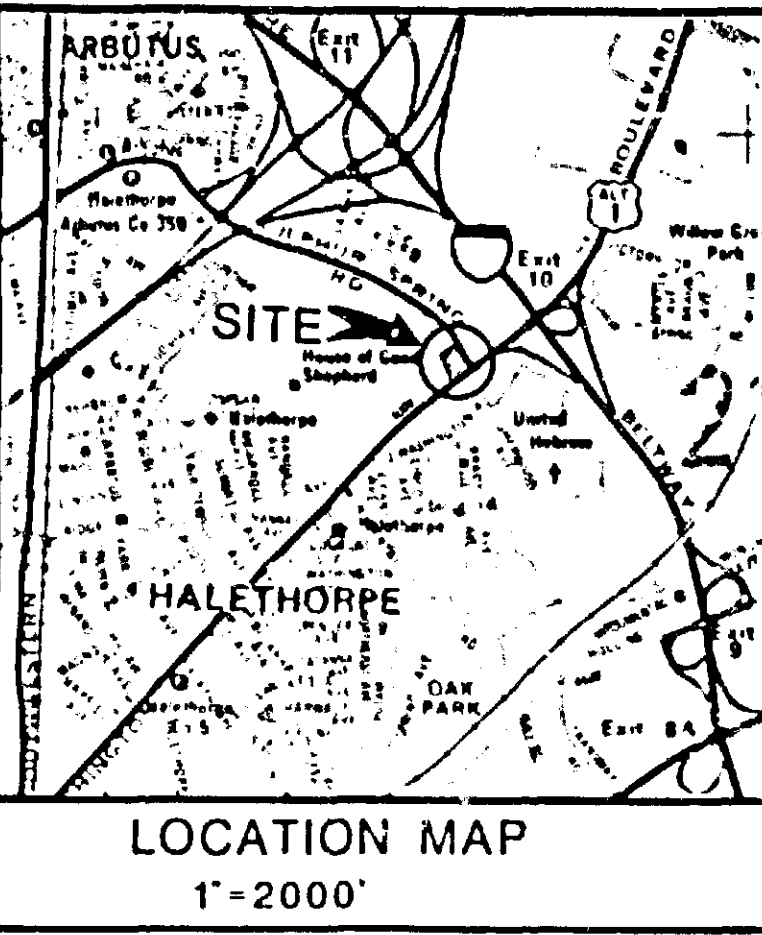


1/2" = 1' TODD C. SLACUM, et al
E.H.K. Jr. 0619-396
ZONE 11L

"I certify that the planting plan shown herein is consistent with applicable policy, guidelines and ordinances, and that all plant material to be furnished will be nursery-grown in accordance with the specifications stated in the Baltimore County Landscape Manual, 1983, dated

19_____
Signature of Applicant

6/10/87
Date



PLANT SCHEDULE

QTY.	BOTANICAL NAME	COMMON NAME	SIZE	NOTES
6	QUERCUS RUBRA	RED OAK	2 1/2" - 3"	E & P
5	MALUS 'HOPA'	'HOPA' CRABAPPLE	1 3/4" - 2"	D & P
3	TSUGA CANADENSIS	CANADIAN HEMLOCK	6" - 7"	D & P
21	LIGUSTRUM JAPONICUM	WAX-LEAF PRIVET	3" - 4"	D & P
25	ILEX GLADIA COMPACTA	COMPACT INKBERRY	2" - 2 1/2"	D & P
8	HEMEROCALLIS	DAYLILY - RED	1 GALLON	CONTAINER

PLANTING REQUIREMENTS

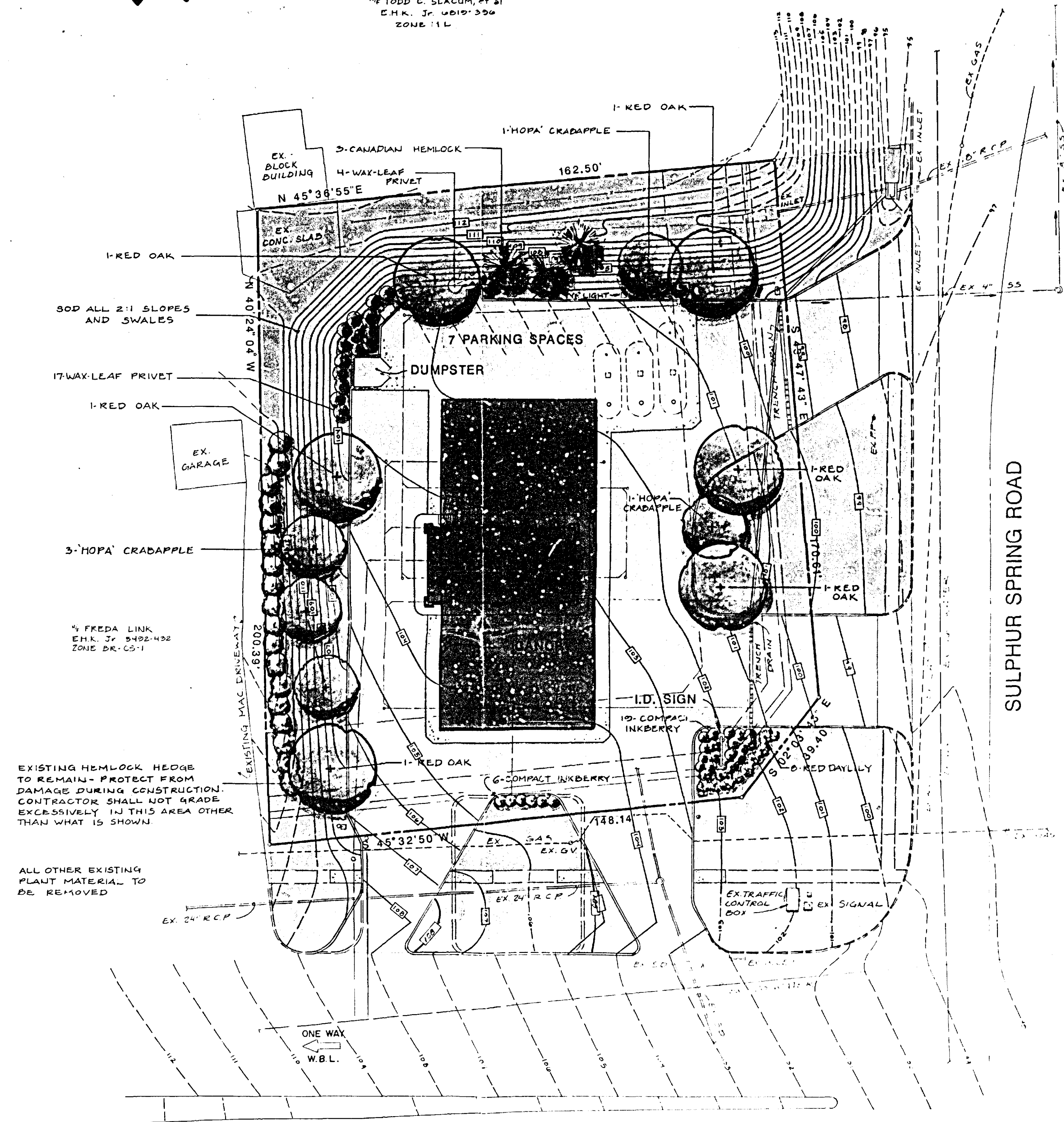
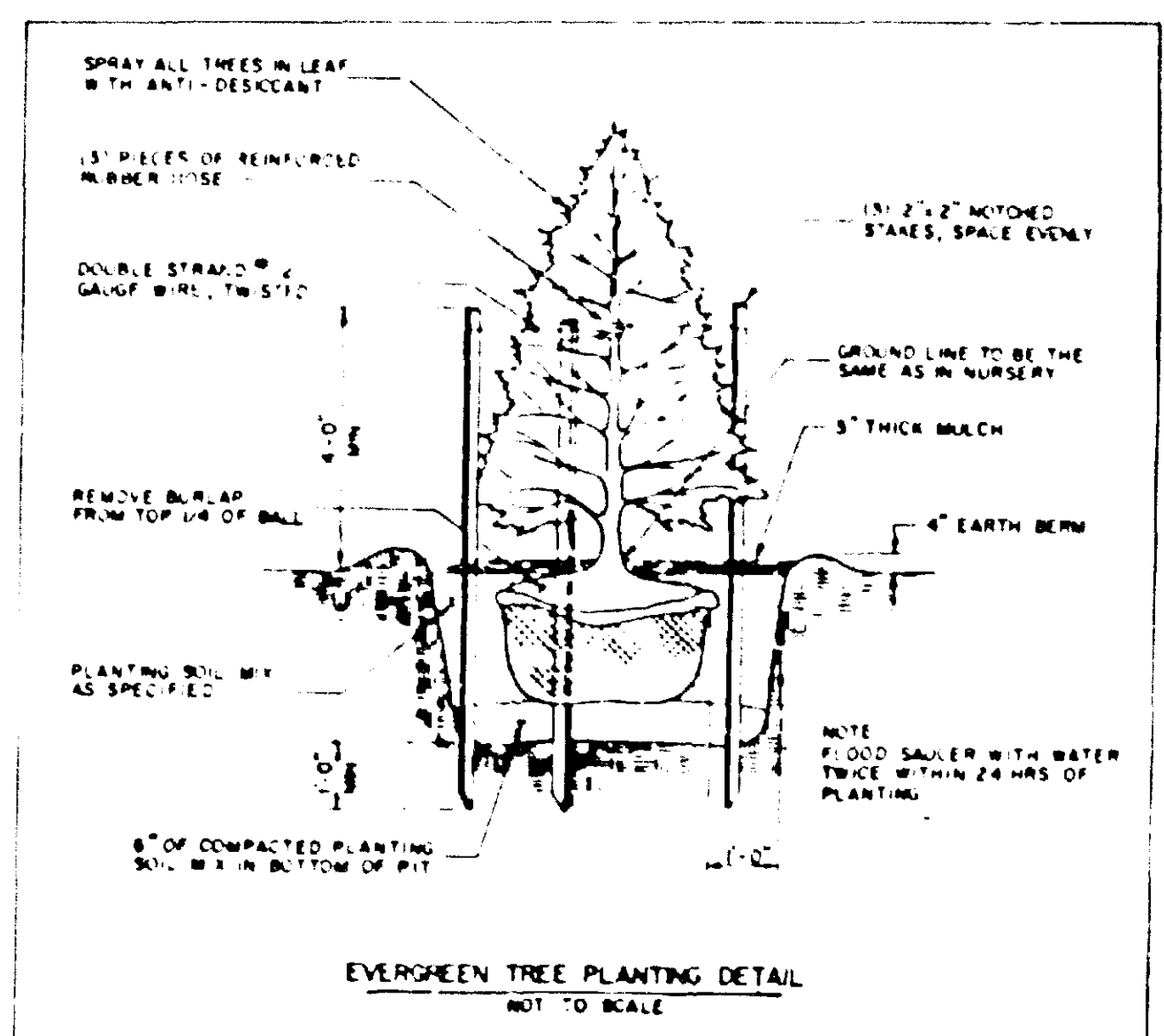
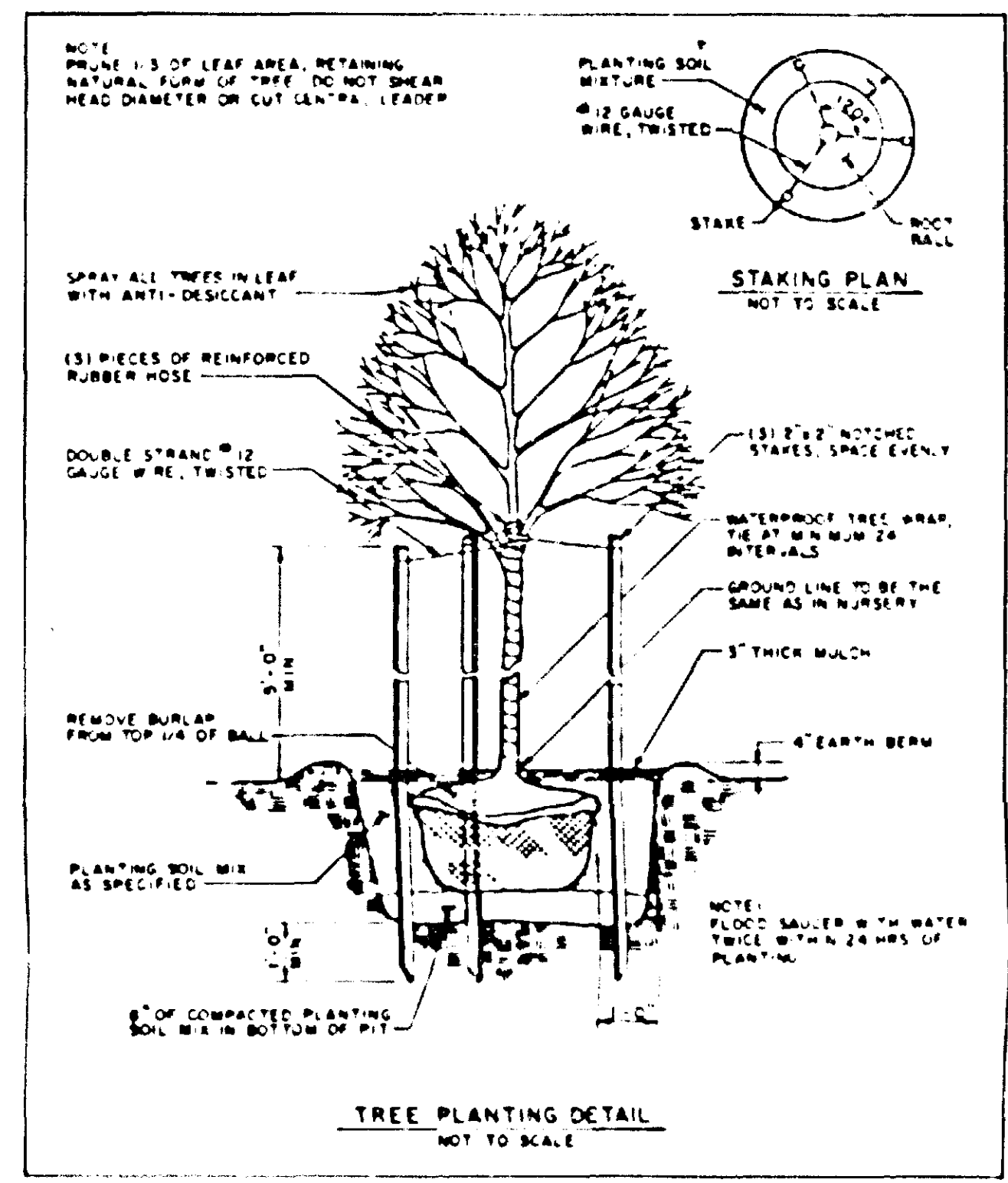
358' ROW - 40' - 5' TREES
7 PARKING SPACES - 1 TREE
TOTAL REQUIRED - 10 TREES
A MINIMUM OF 5 TO BE MAJOR DECIDUOUS
SCREEN DUMPSTER & ADJACENT RESIDENTIAL PROPERTY

PLANTING PROVIDED

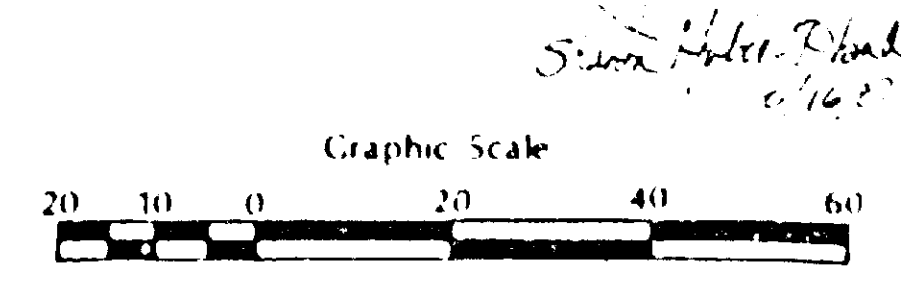
4 MAJOR DECIDUOUS TREES
5 MINOR DECIDUOUS TREES
3 EVERGREEN TREES
EVERGREEN & DECIDUOUS SHRUBS
EXISTING EVERGREEN HEDGES TO REMAIN

GENERAL NOTES

1. QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERMEN, AMERICAN STANDARD FOR NURSERY STOCK.
2. CONTRACTOR SHALL BE REQUIRED TO GUARANTEE ALL PLANTS MATERIALS FOR A PERIOD OF ONE YEAR AFTER INSTALLATION IS COMPLETE AND APPROVED. AT THE END OF ONE YEAR ALL PLANT MATERIAL WHICH IS DEAD OR DYING SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE AS ORIGINALLY SPECIFIED.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES OR ADJACENT MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY HAS BUILT LOCATION OF ALL UTILITIES.
4. NO SUBSTITUTIONS SHALL BE MADE WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
5. ALL PLANTS NOT STAKED IN PLANTING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED FOR PROTECTION AND RETENTION OF MOISTURE.
6. EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.



WASHINGTON BOULEVARD U.S. ROUTE 1



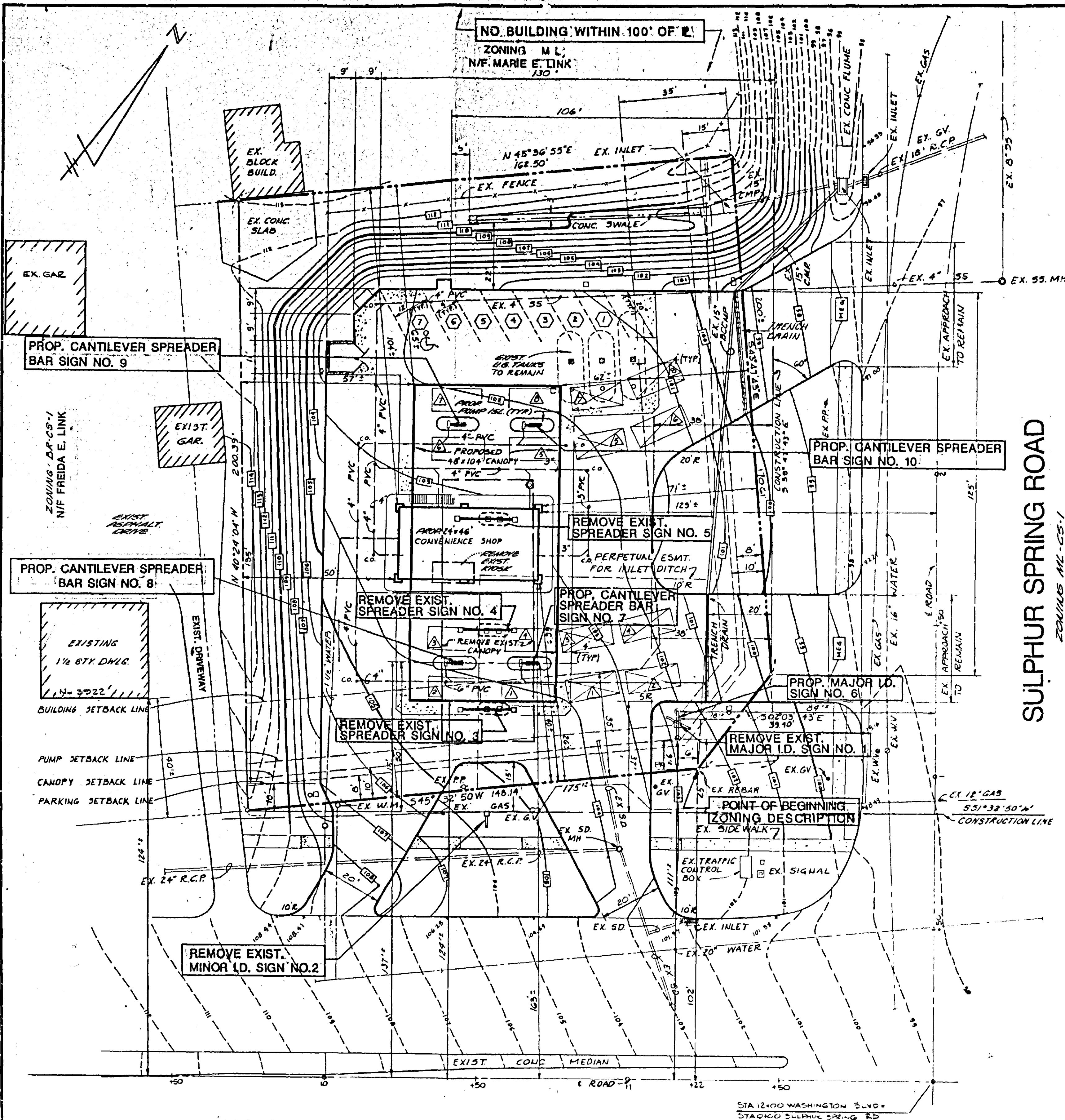
STV / LYON ASSOCIATES
Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS		
NO.	DATE	DESCRIPTION

PLAN PREPARATION		
DESIGNED BY	STM	1 JUN 87
DRAWN BY	STM	1" = 20'
CHECKED BY		61-7730-53-028

PLANTING PLAN
EXXON COMPANY, U.S.A.
3920 WASHINGTON BLVD. AT SULPHUR SPRING ROAD
13TH ELECT. DIST. - BALTIMORE CO., MARYLAND

DRAWING NO.
LOC. 2-7419
SHEET NO.
5 of 8



WASHINGTON BOULEVARD - U.S. ROUTE 1

(ROAD WIDTH VARIES)

ZONING: BR-CS-1

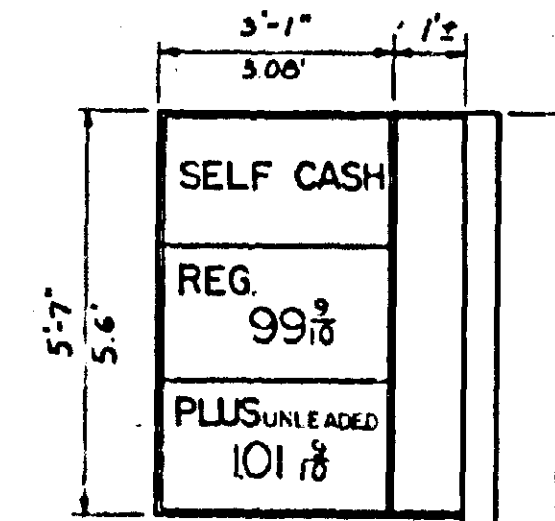
NOTE: EXIST. KIOSK, 3 PUMP ISLANDS & CANOPY TO BE REMOVED.



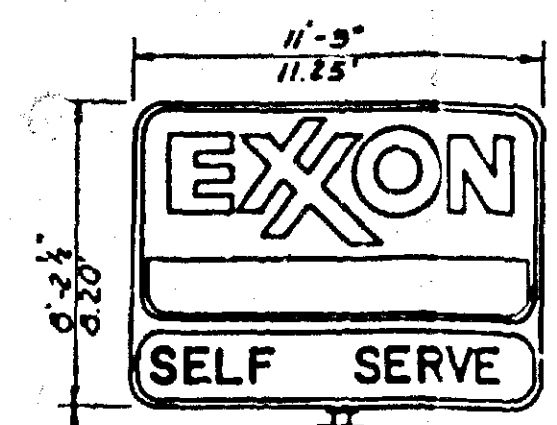
SULPHUR SPRING ROAD

ZONING: ML-CS-1

EXISTING SIGNS TO BE REMOVED



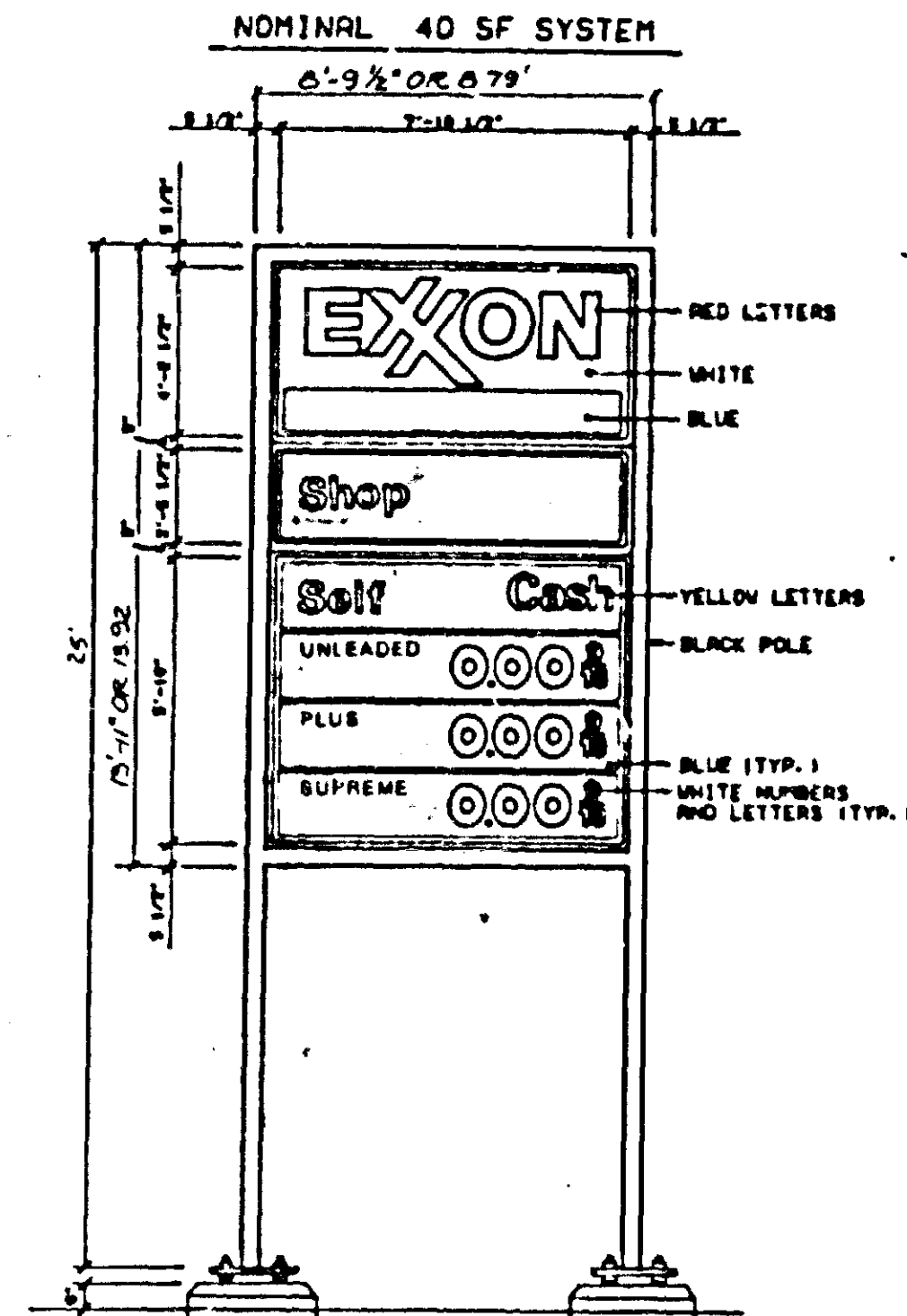
EXISTING MINOR I.D. SIGN NO. 2
N.T.S.
AREA = 17.25 S.F.



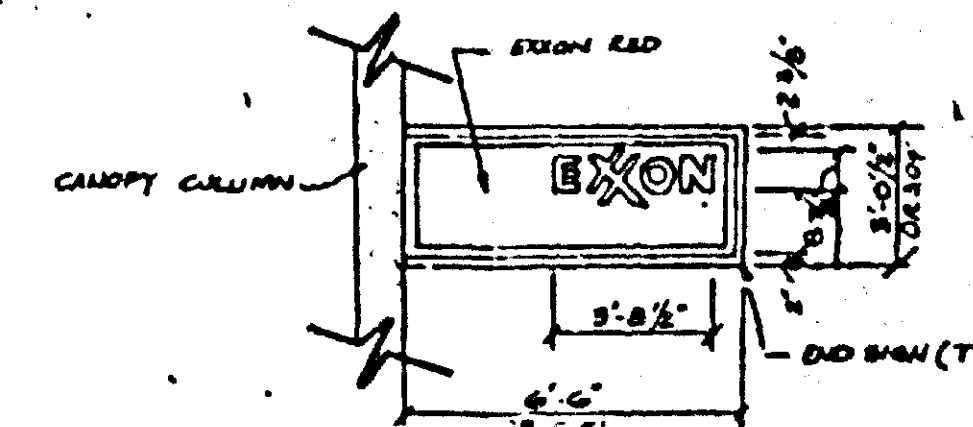
EXISTING MAJOR I.D. SIGN NO. 1
N.T.S.
AREA = 92.25 S.F.

EXISTING 3 SPREADER BAR SIGN NO. 3, 4, & 5
N.T.S.
AREA = 52.56 S.F.

PROPOSED SIGNS TO BE INSTALLED



PROPOSED MAJOR I.D. SIGN NO. 6
N.T.S.
AREA = 122.36 S.F.



PROPOSED CANTILEVER SPREADER BAR
SIGNS NO. 7, 8, 9, & 10
N.T.S.
AREA = 19.76 S.F.

NOTE: AREA OF SIGNS INCLUDE FRAMES, ACTUAL AREA IS SMALLER

PRIOR ZONING CASE NO. 72-94RXA

THIS PROPERTY WAS PETITIONED AND GRANTED ZONING RE-CLASSIFICATION FROM ML TO BR DISTRICT. ALSO A SPECIAL EXCEPTION FOR AN AUTOMOTIVE SERVICE STATION WAS GRANTED ON FEB. 7, 1982. SUBJECT TO THE STIPULATION THAT A 15' RIGHT OF WAY ON WEST SIDE OF SUBJECT PROPERTY REMAIN OPEN AND PAVED BY PETITIONERS; AND A VARIANCE TO PERMIT ACCESS POINTS OFF OF A STREET OTHER THAN A CLASS 1 COMMERCIAL MOTORWAY.

SIGN NO.	EXISTING SIGN TO BE REMOVED	PROPOSED SIGN TO BE INSTALLED
1	EXISTING MAJOR I.D. SIGN NO. 1 (11'-9" x 11'-5") = 92.25 S.F.	PROPOSED MAJOR I.D. SIGN NO. 6 (15'-0" x 18'-0") = 122.36 S.F.
2	EXISTING MINOR I.D. SIGN NO. 2 (5'-1" x 3'-0") = 17.25 S.F.	PROPOSED MINOR I.D. SIGN NO. 2 (5'-1" x 3'-0") = 17.25 S.F.
3	EXISTING 3 SPREADER BAR SIGNS NO. 3, 4 & 5 (15'-0" x 18'-0") = 52.56 S.F.	PROPOSED 3 SPREADER BAR SIGNS NO. 7, 8, 9 & 10 (15'-0" x 18'-0") = 19.76 S.F.

PROPOSED FREESTANDING SIGNS TO BE INSTALLED	PROPOSED CANTILEVER SPREADER SIGNS TO BE INSTALLED
PROPOSED MAJOR I.D. SIGN NO. 6 (15'-0" x 18'-0") = 122.36 S.F.	PROPOSED MAJOR I.D. SIGN NO. 6 (15'-0" x 18'-0") = 122.36 S.F.
PROPOSED 3 SPREADER BAR SIGNS NO. 7, 8, 9 & 10 (15'-0" x 18'-0") = 19.76 S.F.	PROPOSED 3 SPREADER BAR SIGNS NO. 7, 8, 9 & 10 (15'-0" x 18'-0") = 19.76 S.F.

PLAN PREPARATION

DRAWN BY	K.E.B.	DATE	7/13/87
DESIGNED BY	E.J.M.	SCALE	1" = 20'
CHECKED BY	W.R.	LOC.	2-7419

PLAT TO ACCOMPANY ZONING PETITIONS:

EXXON COMPANY, U.S.A.
3920 WASHINGTON BOULEVARD
13TH ELECT. DIST., BALTIMORE CO. MARYLAND

DRAWING NO.

61-7730-53-028

SHEET NO.

1 of 1



LOCATION MAP

SCALE: 1" = 2,000'

GENERAL NOTES

- OWNER: EXXON COMPANY, USA, 11250 RECONSTRUCTION ROAD, HART HARBOR, MD 21221
- DEEDS: 9492-428
- EXISTING ZONING: BR-CS-1 (BUSINESS ROADSIDE)
- TAX ACCOUNT: 17-00-001847
- DEVELOPMENT NAME: 21221 COMPANY, USA, 3920 WASHINGTON BOULEVARD, BALTIMORE, MD 21227
- APPLICANT: EXXON COMPANY, USA, 11250 RECONSTRUCTION ROAD, HART HARBOR, MD 21221 (ENCL. REPT. PHONE 786-6634)
- ENGINEER: STV/LYON ASSOCIATES, INC., ATTN: MR. THOMAS BOWEN, 21 BOWEN'S COURT, BALTIMORE, MARYLAND 21207 (ENCL. REPT. PHONE 944-1111)
- ELECTION DISTRICT: 13
- COUNCILMANIC DISTRICT: 1
- CENSUS TRACT: 4306
- WATERSHED: 29 SUBWATERSHED: 73
- SITE AREA: 33271 SF ± OR 0.7638 AC ±
- COMMON OPEN SPACE AND DENSITY CALCULATIONS REQUIREMENTS: NONE
- OFFSTREET PARKING: RETAIL STORE (1140 SF ± 200) = 8 SPACES REQUIRED 7 SPACES PROVIDED (INCLUDING 1 HANDICAP)
- LANDSCAPING: SEE LANDSCAPING PLAN
- FLOOR AREA RATIO: PERMITTED RATIO = 2.0 SITE RATIO = 0.03
- ESTIMATED ADT = 740
- THERE ARE NO METLANDS, CRITICAL AREAS, ARCHEOLOGICAL SITES, ENGINEERED SPECIES HABITAT, OR HAZARDOUS WASTE MATERIAL SITES WITHIN THE SITE.
- EXISTING USE: GAS & OIL CONVENIENCE STORE AND GAS & OIL
- PROPOSED USE: CONVENIENCE STORE AND GAS & OIL
- THERE ARE NO EXISTING OR PROPOSED SEPTIC TANKS OR WELLS AREAS.
- THERE ARE NO HISTORIC BUILDINGS ON SITE.
- STORMWATER MANAGEMENT MEASURE IS BEING REQUESTED.
- ANCILLARY USES: MINOR ACCESSORY USES NO ADDITIONAL SQUARE FOOTAGE REQUIRED
- AREA DISTURBED BY NEW CONSTRUCTION: 33271 SF ±
- ACCESS POINTS: 2 DRIVEWAYS ON SULPHUR SPRING ROAD 36' WIDE 2 DRIVEWAYS ON WASHINGTON BOULEVARD 30' WIDE (REVISED FROM EXISTING CONDITION)
- LIGHTING: 8 - 240W LAMPS TO BE ADDED, 327 PHILLIPS, MD, 2001-400-000-000, 150-200-125-ON OR APPROVED TOWER WITH 5" SQUARE POLE AND COMPLETE BASE.
- NATURAL GAS SERVICE AND ELECTRIC SERVICE TO BUILDING BY B.B.E.

ZONING NOTES

EXISTING ZONING BR-CS-1 (BUSINESS ROADSIDE)
PROPOSED ZONING BR-CS-1 WITH SPECIAL EXCEPTION TO ALLOW A FOOD STORE WITH A 3000 SQUARE FEET IN COMBINATION WITH THE SALE OF GASOLINE.
THE FOLLOWING VARIANCE PETITION HAS BEEN REQUESTED:
SECTION 413.2 TO ALLOW 5 SIGNS WITH A TOTAL OF 422.80 SQUARE FEET, IN LIEU OF 3 BUSINESS SIGNS WITH AN AREA OF 100 SQUARE FEET.
AREA REQUIREMENTS:
2 DISPENSER ISLAND WITH 16 GASOLINE
MULTI PRODUCT DISPENSER SERVING 8 CARS AT ONE TIME
TOTAL SERVICING SPACES = 8
SITE REQUIREMENTS = 15,000 SQ. FT.
SITE PROVIDED = 33,271 S.F. - NO AREA VARIANCE NEEDED
PROPOSED COMBINATION USE:
FOOD STORE WITH LESS THAN 5000 SQ. FT. IN COMBINATION WITH SERVICE STATION:
4 x 1104 SQ. FT. 4,416.00 SQ. FT.
TOTAL AREA REQUIRED 15,000.00 SQ. FT.
TOTAL AREA PROVIDED 33,271.00 SQ. FT.
TOTAL AREA OF TRACT 33,271.00 SQ. FT.
HOURS OF OPERATION: 24 HOURS A DAY
MAXIMUM NUMBER OF EMPLOYEES: 5
MAXIMUM NUMBER OF IMPLICATIONS:
SOUND: NOTHING BEYOND WHAT IS HEARD IN TRAFFIC
DUST: NONE
ODORS: NONE
GAS: NONE
LIGHT: NONE
HEAT: NONE
EXISTING SOIL - 5% SANDY GRAVEL

PETITIONER: KHIBIT



STV / LYON ASSOCIATES

Engineers Surveyors Planners
21 Governor's Court Baltimore, Maryland 21207
Telephone : 301-944-9112

REVISIONS

NO.	DATE	DESCRIPTION
1	7/13/87	Add Dimensions of Entrances on Washington Blvd

IN RE: PETITIONS FOR SPECIAL EXCEPTION, * BEFORE THE
SPECIAL HEARING AND VARIANCE -
NW/S Washington Boulevard, * DEPUTY ZONING COMMISSIONER
Corner SW/S Sulphur Spring Road * OF BALTIMORE COUNTY
(3920 Washington Boulevard)
13th Election District
1st Councilmanic District * Case No. 88-291-XSPHA

Exxon Company, USA
Petitioner

* * * * *

ORDER OF EXTENSION

Pursuant to the receipt of a written request by Counsel for the
Petitioner for an extension of time in which to utilize the special excep-
tion granted in the above-captioned matter, and pursuant to the require-
ments set forth in Section 502.3 of the Baltimore County Zoning Regula-
tions (B.C.Z.R.),

IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore
County this 13th day of December, 1989 that the Petitioners shall have
an extension of two (2) additional years to utilize the special exception
granted therein and, therefore, said special exception shall expire on
March 22, 1992.

IT IS FURTHER ORDERED that all conditions and restrictions of the
Order issued on March 23, 1988 shall remain in full force and effect.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Anthony J. DiPaula, Esquire
614 Bosley Avenue, Towson, Md. 21204

People's Counsel

File

COVAHEY & BOOZER, P. A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. DIPAULA
THOMAS R. DORE

FAX 301-296-2131

REPLY TO:
ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204
AREA CODE 301
828-5525

December 13, 1989

HAND DELIVERED

Ann M. Nastarowicz
Deputy Zoning Commissioner
for Baltimore County
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION,
SPECIAL HEARING AND VARIANCE
NW/S WASHINGTON BOULEVARD
CORNER SW/S SULPHUR SPRING ROAD
PETITIONER: EXXON COMPANY, U.S.A.
CASE NO.: 88-291-XSPHA

Dear Mrs. Nastarowicz:

Pursuant to Section 502.3 of the Baltimore County
Zoning Regulations, please treat this as a request on behalf of
the Petitioner, Exxon Company, U.S.A., for an extension of the
Special Exception which was granted on March 23, 1988. The
property is improved by an existing gas-n-go facility, and the
Special Exception which was sought and approved was to allow a
convenience food store of less than 5,000 square feet as a use in
combination with the existing gas-n-go facility.

With the economy as it is, and certain unforeseen cir-
cumstances having affected the ability of Exxon Company to follow
through with economic plans made over the last year or so, it has
become necessary to seek an extension of time in utilizing this
Special Exception which is due to expire on March 22, 1990.
Development plans have been altered throughout the country, and
it now seems that this station may not be modernized until late
1991, or early 1992.

Ann M. Nastarowicz
December 13, 1989
Page 2

Therefore, while not requesting the maximum extension
allowable, the petitioner would respectfully request an extension
of two (2) more years to utilize this Special Exception, thereby
making same expire on March 22, 1992.

Should you require anything further in addition to this
written request, I would ask that you have one of your staff
advise the undersigned accordingly. Thank you for your con-
sideration of this request.

Very truly yours,

Anthony J. DiPaula
Anthony J. DiPaula

AJD/cab
13'cb.1

cc: Jack Banowsky - STV/Lyon Associates
Mark Hoffman - Exxon Company, U.S.A.